

**Harvard Planning Board
Meeting Minutes
July 21, 2008
Approved: September 8, 2008**

Chairman Joe Sudol called the meeting to order at 7:30pm in the Town Hall Meeting Room

Members Present: Joseph Sudol, Barbara Brady, Kara McGuire Minar, Peter Brooks, Mary Essary and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Robert Marhefka, Nicholas Pauling (GPR, Inc.), Bruce Ringwall (GPR, Inc.), Carolina McCauley, Susan Leeming, Rachel Oglesby, John Oglesby and Richard Blinn

Accessory Affordable Apartments Tax Exemption

Sudol and Brady meet with Senator Pam Resor on July 18, 2008 in regards to the progress on the Accessory Affordable Apartment Tax Exemption Senate Bill. There have been minor word changes made to the original document. The petition is ready to go to the Senate. Once passed there it will go to the House and then to the Governor. The Board of Selectmen (BOS) needs to approve the revised exemption. Sudol will communicate this to Tim Bragan to get onto the BOS agenda.

Brady stated the Department of Housing and Community Development (DHCD) has now issued a deed rider and procedure. Brady thinks DHCD's version offers more flexibility than we thought they would be comfortable be putting into writing.

Review and Approve Decisions

Essary made a motion to grant the special permit for renewal to STC Five, 47 Poor Farm Road and accept the decision as written. Brady seconded the motion. The vote was unanimously in favor of the motion.

Essary made a motion to grant a special permit to Omnipoint as a co-location on an existing cell tower at 60 Old Shirley Road and to allow Sudol to sign the permit on behalf of the Board once amended. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Essary made a motion to grant a special permit to Metro PCS as a co-location on an existing cell tower at 60 Old Shirley Road and to accept the decision as written. She noted that one of the conditions was that a bond be posted to cover removal of equipment use is discontinued; a standard condition on all such permits. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Brady will proof-read for clerical errors, and the Board authorized Joe Sudol to sign the final document as chair, representing the entire board.

ZBA Request for Comments – Kennedy, 11 Bowers Road

The ZBA has requested comments in regards to an application filed on behalf of Matthew and Evangelene Kennedy for the reconstruction of a dwelling on a non-conforming lot at 11 Bowers Road. The members agreed that the activity will not be substantially detrimental to the lot and had no comments to this application. Sudol will write a letter to that effect to the ZBA.

Continuation of a Special Permit Hearing - Fox Realty Trust, Stow Road (Map 32 Parcel 7).
Opened at 8:00pm.

Informal Discussion – Pleasant Properties, Ayer & Old Mill Road

Bruce Ringwall, of GPR, Inc., was present to present a revised plan for the property located at the corner of Old Mill Road and Ayer Road. Ringwall stated the wetland line has been re-approved by the Conservation Commission. The plan has been given to the Nashoba Associated Boards of Health for comments, but no comments have been received as of yet. The scope of the project has changed from the previous presentation. The property has an ANR plan that created three lots. The revised plan is for an assisted living facility only. The site would be serviced by a Public Water Supply and ground water discharge permit servicing the septic system. The usage of the septic system would be 13,000 gallons/day. The only access into the site would be off of Old Mill Road. There is an existing trail network that would be maintained.

The height of the connector would be one floor with court yards on either side. Each wing would be three floors. Each unit would consist of one bedroom with a dining/ family area and a kitchenette. There is half a parking space per unit. Brooks asked how many employees there would be. Ringwall stated that has yet to be determined. Brooks stated that parking should be considered when that number is determined. There will be no on-site medical care.

As for the wastewater treatment, it may go in several locations, depending on the Department of Environmental Protection's comments. Sudol asked if the plan would require any variances. Ringwall stated as designed, the plan fits under Ayer Road mix use and would require no variances. The only thing would be the possible need of treatment facility at the roadway.

Ringwall has not spoken with the Fire Chief as of yet to determine if access is available for emergency vehicles. The members agreed this plan is a big improvement over the last plan. Ringwall was asked if there had been any more thought as to if these would be rental or market rate units. Ringwall stated they are being considered as market rate units.

Special Permit & Driveway Site Plan Hearing – Richard & Keyo Russell, 81 Old Littleton Road. Opened at 8:35pm

Planning Board Amendments to the Rules and Regulations Hearing. Opened at 9:35pm

Adjournment

Essary made a motion to adjourn the meeting at 9:38pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Continuation of a Special Permit, Driveway Site Plan & Scenic Road Consent Hearing

Fox Realty Trust, Stow Road (Map 32 Parcel 7)

July 21, 2008

Chairman Joe Sudol opened the meeting at 8:00pm in the Town Hall Meeting Room under M.G.L. Chapter 40 §15, Chapter 40A §9 and the Code of the Town of Harvard, Chapter 90 and Chapter 125-29D & 125-31, the Protective Bylaw.

Members Present: Joseph Sudol, Barbara Brady, Kara McGuire Minar, Peter Brooks, Mary Essary and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside) and Liz Allard (LUB Admin)

This hearing was continued from June 2, 2008 on a Special Permit, Driveway Site Plan and Scenic Road consent filed on behalf of Fox Realty Trust for the construction of a single family dwelling on Stow Road, Harvard (Map 32 Parcel 7).

The applicant's representative requested, in writing, a continuance of the hearing. Essary made a motion to continue the hearing until September 15, 2008 at 8:00pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk

Harvard Planning Board

Special Permit and Driveway Site Plan Hearing

Richard & Keyo Russell, 81 Old Littleton Road (Map 18 Parcel 11.2)

July 21, 2008

Chairman Joe Sudol opened the meeting at 8:35pm in the Town Hall Meeting Room under M.G.L. Chapter 40A §9 and the Code of the Town of Harvard, Chapter 125-29D & 125-31, the Protective Bylaw.

Members Present: Joseph Sudol, Barbara Brady, Kara McGuire Minar, Mary Essary and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside), Liz Allard (LUB Admin), Robert Marhefka, Nicholas Pauling (GPR, Inc.), Bruce Ringwall (GPR, Inc.), Carolina McCauley, Susan Leeming, Rachel Oglesby, John Oglesby, Peter Brooks and Richard Blinn

This hearing is for a Special Permit and Driveway Site Plan filed on behalf of Richard & Keyo Russell for the construction of a single family dwelling at 81 Old Littleton Road (Map 18 Parcel 11.2), Harvard.

Peter Brooks left the table and recused himself as a voting member as he is an abutter to the property. Craig Bardenheuer was appointed a voting member for this application.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Ringwall stated he has been working with the family to develop the property. An Approval Not Required (ANR) has been recently endorsed by the Planning Board creating the existing house lot and a hammerhead lot. The proposed hammerhead lot is a reduced frontage lot. Lot 3, although not a part of this application, would be a frontage lot. The septic system has been reviewed by Nashoba Associated Boards Health. The septic grading was noted to be within the set back and will be revised. Essary stated the plan shows the septic system for Lot 1, but asked where the reserve area is located. Ringwall stated it is located directly west of the system shown on the plan. The view easement was indicated on the plan and described. Essary asked if Lot 3 will ever be built on. Ringwall stated we will deal with Lot 3 when an application is submitted for Lot 3. The driveway profile was discussed. The driveway will be 624' in length from the road to the garage. The driveway is laid out so a SU-30 vehicle can turn around. As for drainage, the plan takes the impervious surface of the driveway and have over compensated for it. Trenches on either side of the driveway will have micro basin used in upper portion.

The Board requested Rob Oliva, of Hamwey Engineering, present his findings. Oliva stated the buildable area was calculated outside the view easement and as he reads the bylaw, it is not sufficient. It would be up to the Town on how to read the definition of "buildable area" and whether or not they want to include the view easement within the buildable area. Ringwall stated it has been ruled by Town Counsel that easements are within the buildable area. The Board will check with Town Counsel to be certain this is correct. Comments #2 & #3 are minor comments the representative is going to correct those changes. Comment #4 is intended more for a long driveway or common driveway and Oliva is not opposed to the design. Comment #5 has been clarified with the information that the driveway as proposed will have 130 –140' of sight line to it and the stone wall is set back and vegetation will be cleared. Ringwall is aware that a scenic road consent application will need to be filed. There are no trees within the Right of Way, just brush, according to Ringwall. Ringwall agrees with comments #6-8, and proposes to take the stone trench and extend it to the opening of the lot at the edge of the fill and place a perforated pipe within the trench. Anything that does not infiltrate will make its way to the micro basin. Comments #10 & 11 have been covered by the re-direction of water.

Richard Blinn, an abutter, questioned the sight line for the driveway. Blinn thinks this is a difficult area on Old Littleton Road and cannot imagine the stated sight limits are correct. Blinn was also concerned about the large amount of water the area receives. Blinn stated the intermittent stream is always flowing. Other abutters had the same concerns as Blinn.

Peter Brooks, an abutter, asked where the classification of a stream comes from. He was informed it is from the United States Geographical Services. Brooks stated that it is a perennial stream on his property. Brooks does not think you cannot use the view easement as buildable area. Brooks stated that the Protective Bylaw, Chapter 125-39, apply to any use of a special permit and the requirements need to be applied. Ringwall stated he has never done landscaping or lighting plans for any Special Permit application for a single-family dwelling.

With another hearing scheduled, Sudol asked Ringwall if he and his applicant were agreeable to continuing the hearing. Ringwall was in agreement with continuation. Essary made a motion to continue the hearing until September 8, 2008 at 7:45pm. McGuire Minar seconded the motion. The vote was unanimously in favor of the motion.

A site walk was scheduled for September 6, 2008 at 9:00am.

Signed: _____
Liz Allard, Clerk (In Brooks absence)

Harvard Planning Board

Planning Board Amendments to the Rules & Regulations Hearing

July 21, 2008

Chairman Joe Sudol opened the meeting at 9:35pm in the Town Hall Meeting Room under M.G.L. Chapter 40A and the Code of the Town of Harvard, Chapter 125 the Protective Bylaw.

Members Present: Joseph Sudol, Barbara Brady, Kara McGuire Minar, Peter Brooks, Mary Essary and Craig Bardenheuer (Associate Member)

Others Present: Richard Breyer (Harvard Hillside) and Liz Allard (LUB Admin)

This hearing is for amendments to the existing Rules and Regulations of the Planning Board to include Special Permits, Subdivisions, Site Plans, ANR's and Scenic Road Consent.

With the lateness of the meeting the Board agreed to continue this discussion at the August 25, 2008 meeting. Essary made a motion to continue the hearing to August 25, 2008 at 9:00pm. Brady seconded the motion. The vote was unanimously in favor of the motion.

Signed: _____
Peter Brooks, Clerk